Single Bench

(3)

**IN THE HIGH COURT OF JUDICATURE AT BILASPUR**

**WRIT PETITION NO. 4896 OF 2004**

**PETITIONER:** SMT. P. JYOTI LAXSHMI NAIDU, WIFE OF SHRI P. MOHAN NAIDU, AGED ABOUT 35 YEARS, RESIDENT OF SHANTI NAGAR, JAGDALPUR, DISTRICT BASTAR (C.G.)

**Versus**

**RESPONDENTS:**

1. STATE OF CHHATISGARH, THROUGH THE SECRETARY, MINISTRY OF DEVELOPMENT OF SCHEDULED CASTES AND SCHEDULED TRIBES, D.K.S. BHAWAN, RAIPUR (C.G.)
2. THE COMMISSIONER, DEPARTMENT OF DEVELOPMENT OF SCHEDULED CASTES AND SCHEDULED TRIBES, RAIPUR.
3. MATA RUKMANI SEVA SANSTHAN, THROUGH THE SECRETARY, DIMRAPAL, DISTRICT BASTAR.

P.R. No. 4908/04 Presented by Shri B.P. Sharma dated 16.12.04

FAIR COPY 16/12/04 Clerk to A.G. Bilaspur

**WRIT PETITION UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA FOR THE ISSUANCE OF WRITS IN THE NATURE OF MANDAMUS, CERTORARI AND /OR ORDER(S) AND /OR DIRECTION(S) IN THE NATURE OF WRITS**

1. **Particulars of the petitioner**:--
   As per the cause title.

2. **Particulars of the respondents**: -
   As per the cause title.

## HIGH COURT OF CHHATTISGARH AT BILASPUR

**SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.**

**WRIT PETITION NO.4896 OF 2004**

Petitioner : Smt. P. Jyoti Laxshmi Naidu

versus

Respondents : State of Chhattisgarh and others

Present : Mr. B.P.Sharma, counsel for the petitioner.
Mr. Utkarsh Verma, Deputy Government Advocate for the State/respondents No.1 and 2.
Mr. Prafull Bharat, counsel for respondent No.3.
Mr. B.D.Guru, counsel for the intervener.

**ORDER**

(Passed on 22nd Day of February, 2007)

The petitioner is working as Assistant Teacher in the establishment of respondent No.3. The petitioner was transferred from Tongpal in the establishment of respondent No.3 to Bastar in the same capacity, vide order dated 23-7-2004 (P-2). The petitioner joined the new place of posting, but, thereafter, the transfer of the petitioner has been cancelled vide order dated 30-11-2004 (P-3).

2. This Court, vide interim order dated 18-1-2005, directed that the order of cancellation dated 30-11-2004 (P-3) shall not be given effect till the next date of hearing and the petitioner shall be allowed to continue in Kanya Aashram, Bastar, in case she has already joined at Bastar.

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3. Be that as it may, with the passage of time, this petition has become infructuous as period of transfer is not applicable forever. At this point of time, there is no question to examine the validity of the impugned transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.

4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decided as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved *mala fide*, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.

5. In view of the above, the writ petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Gopal